



Order Filed on December 4,
2019 by Clerk U.S. Bankruptcy
Court District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

RAS Citron, LLC

Authorized Agent for Secured Creditor

130 Clinton Road, Lobby B, Suite 202

Fairfield, NJ 07004

Telephone: 973-575-0707

Facsimile: 973-404-8886

Harold Kaplan (HK0226)

In Re:

Morgan P Levally,

Debtor,

Patricia E Levally,

Joint Debtor.

Case No.: 19-23417-JNP

Chapter: 13

Hearing Date: November 19, 2019

Judge: Jerrold N. Poslusny Jr.

**AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

The relief set forth on the
ORDERED.

DATED: December 4, 2019

A handwritten signature in black ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Page 2

Secured Creditor: SPS - Select Portfolio Servicing, Inc.

Secured Creditor's Counsel: RAS Citron, LLC

Debtors' Counsel: Eric Clayman

Property Involved ("Collateral"): 105 Firth Drive, Mantua, New Jersey 08051

Relief sought: ■ Motion for relief from the automatic stay

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:
 - The Debtor is overdue for 4 months from 8/1/2019 through 11/1/2019.
 - The Debtor is overdue for 4 payments from 8/1/2019 through 11/1/2019 at \$846.12 per month.

Funds Held In Suspense \$0.00.

Total Arrearages Due \$3,384.48.

2. Debtor must cure all post-petition arrearages, as follows:
 - Beginning on December 1, 2019, regular monthly mortgage payments shall continue to be made in the amount of \$846.12.
 - Beginning on December 15, 2019, monthly cure payments shall be made in the amount of \$564.08 for 6 months.
3. Payments to the Secured Creditor shall be made to the following address(es):
 - Regular monthly payment: Select Portfolio Servicing, Inc.
Attn: Remittance Processing
P.O. Box 65450
Salt Lake City, UT 84165-0450
 - Monthly cure payment: Select Portfolio Servicing, Inc.
Attn: Remittance Processing

P.O. Box 65450
Salt Lake City, UT 84165-0450

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 7 and Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

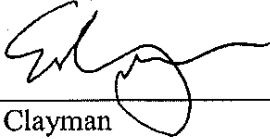
5. Award of Attorneys' Fees:

■ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.

The fees and costs are payable:

■ Through the Chapter 13 plan.

The undersigned hereby consent to the form and entry of the foregoing order.



Eric Clayman
Attorney for Debtor(s)

/s/ Harold Kaplan

Harold Kaplan
Attorney for Secured Creditor
12/2/2019

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Morgan P Levally
Patricia E Levally
DebtorsCase No. 19-23417-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Dec 06, 2019.

db/jdb #+Morgan P Levally, Patricia E Levally, 339 Wenonah Avenue, Mantua, NJ 08051-1444

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 06, 2019

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on December 4, 2019 at the address(es) listed below:

Aleisha Candace Jennings on behalf of Creditor USAA FEDERAL SAVINGS BANK ajennings@rasflaw.com
 David Nigro on behalf of Joint Debtor Patricia E Levally jenkins.clayman@verizon.net
 David Nigro on behalf of Debtor Morgan P Levally jenkins.clayman@verizon.net
 Denise E. Carlon on behalf of Creditor Select Portfolio Servicing, Inc.
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Eric Clayman on behalf of Joint Debtor Patricia E Levally jenkins.clayman@verizon.net,
 connor@jenkinsclayman.com
 Eric Clayman on behalf of Debtor Morgan P Levally jenkins.clayman@verizon.net,
 connor@jenkinsclayman.com
 Harold N. Kaplan on behalf of Creditor Nationstar Mortgage LLC hkaplan@rasnj.com,
 informationathnk@aol.com
 Harold N. Kaplan on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
 hkaplan@rasnj.com, informationathnk@aol.com
 Harold N. Kaplan on behalf of Creditor Select Portfolio Servicing, Inc. hkaplan@rasnj.com,
 informationathnk@aol.com
 Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
 summarymail@standingtrustee.com
 Rebecca Ann Solarz on behalf of Creditor Select Portfolio Servicing, Inc.
 rsolarz@kmlawgroup.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 13